



STATE OF MICHIGAN

GRETCHEN WHITMER  
GOVERNOR

DEPARTMENT OF HEALTH AND HUMAN SERVICES  
LANSING

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DIRECTOR

**IV-D MEMORANDUM 2023-010**

**TO:** Attorney General (AG) Staff  
Friend of the Court (FOC) Staff  
Prosecuting Attorney (PA) Staff

**FROM:** Erin P. Frisch, Director  
Office of Child Support (OCS)

**DATE:** June 5, 2023

**SUBJECT:** Criminal Non-Support Record Keeping Policy and Updates

**ACTION DUE:** None

**POLICY EFFECTIVE DATE:** Upon receipt

**PURPOSE:**

This IV-D Memorandum provides updated policy for record keeping related to child support cases with criminal non-support enforcement. It also announces program changes intended to improve awareness and communication of criminal non-support activities between IV-D partners.

To assist IV-D staff in tracking criminal non-support activities, the Child Support 23.2 Release on June 9, 2023 will implement the following in the Michigan Child Support Enforcement System (MiCSES):

- Five new fields on the *Member Demographics* (DEMO) screen for recording information about criminal non-support activities;
- A new viewable indicator on several screens to identify the presence of criminal non-support activity information; and
- New viewable fields on the *Contempt Ability to Pay Screening* (CAPS) screen that reflect the information entered in the new fields on the DEMO screen.

Finally, this IV-D Memorandum announces the addition of Section 6.40, "Criminal Non-Support," to the table of contents for the *Michigan IV-D Child Support Manual*. The new Criminal Non-Support topic area appears on mi-support and will include this memorandum and other technical and training material; however, the policy manual

**UPDATE(S):**

☒ Manual

☐ Form(s)

section will be developed at a later date. OCS intends to publish a broader, more comprehensive IV-D policy in the future regarding AG criminal non-support casework.

## **DISCUSSION:**

This memorandum and [Frequently Asked Question \(FAQ\) 629](#) serve together as the IV-D policy covering criminal non-support. The FAQ addresses the partner notification process and the IV-D criteria for criminal non-support activities through the office of the AG.

AG and PA staff are the IV-D partners who have authority to initiate and pursue criminal non-support cases.<sup>1</sup> While other IV-D staff, particularly FOC staff, do not perform criminal non-support enforcement activities, they need to be aware of any enforcement activities associated with the support payer of the affected IV-D case.

A lack of IV-D staff awareness of criminal non-support activities can lead to duplicate, contradictory, or conflicting actions. For example, FOC staff who are unaware of criminal prosecution activities might engage with the parties in a manner that interferes with or disrupts the criminal case. Further, FOC staff may not recognize a need to communicate with AG or PA staff if/when necessary or appropriate. A lack of communication and awareness between AG and PA staff could result in both offices prosecuting the same support payer for criminal non-support on the same support case.

Prior to the Child Support 23.2 Release, AG and PA staff were expected to note criminal non-support activities in MiCSES on the *Notes Processor* (NOTE) screen to ensure IV-D staff are aware of these activities. However, IV-D partners identified gaps in this process. In some cases, note entry was absent, limited, or inconsistent. Also, notes entered about criminal non-support activities were not always readily apparent or available to IV-D staff without cumbersome searching. This led IV-D partners to request better interagency communication about criminal non-support activities.

With the Child Support 23.2 Release, OCS will add several fields on the DEMO screen's *Enforcement* tab to record criminal non-support activity information. OCS will also add a criminal non-support indicator to several other screens to indicate that criminal non-support information has been entered on the DEMO screen.

### **A. Record Keeping Requirements**

Federal regulation requires child support case records to be supplemented with information pertaining to the case, "as well as all relevant facts, dates, actions taken, contacts made, and results in a case."<sup>2</sup> Federal regulations also require the child support system to, at a minimum, maintain information pertaining to support delinquency and enforcement activities.<sup>3</sup>

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<sup>1</sup> Ref: Michigan Compiled Law (MCL) 750.161 et seq.

<sup>2</sup> Ref: 45 Code of Federal Regulations (CFR) 303.2(c).

<sup>3</sup> Ref: 45 CFR 307.10(b)(4)(i) and 45 CFR 307.11(b)(1).

Further, the Interagency Agreement between the Michigan Department of Health and Human Services (MDHHS)/OCS and the AG office provides that AG staff will “update MiCSES and maintain and record information, events, and transactions necessary to describe all actions taken in a case.”

Criminal cases and their corresponding court records, AG files, and PA files are maintained separately from the child support case and are not included in or accessible through MiCSES. However, criminal non-support investigation and prosecution are enforcement activities conducted in relation to the affected IV-D case. Therefore, the child support case record must be supplemented with basic information about the criminal non-support case and activities.

## **B. Documenting Criminal Non-Support Information in MiCSES**

### **1. Responsible Staff**

When criminal non-support activities begin, AG or PA staff will record information about them in MiCSES. These activities may include identifying, investigating, and/or prosecuting the case. Throughout the life of the case, AG and PA staff will update this information, as well as the activity statuses and other relevant details. If FOC staff become aware of criminal non-support activities, but AG or PA staff have not yet entered the information, FOC staff may ask AG or PA staff to enter it, or FOC staff may choose to enter or update it.

### **2. Information to Document**

AG or PA staff will enter and maintain information related to criminal non-support activity in the *Criminal Non-Support* section of the DEMO screen's *Enforcement* tab.<sup>4</sup> Each informational item, except comments, will have a corresponding field with a drop-down list of the limited selectable values. This section of the DEMO screen is intended to reflect the current or most recent criminal non-support case activity. MiCSES will retain a history of changes to this information in the DEMO screen's *History* pop-up.

AG or PA staff will maintain the information throughout the duration of the criminal non-support activities. Upon identifying a IV-D case or receiving a complaint/request for criminal non-support action, the AG or PA will record the status of the request. If the AG or PA chooses to not investigate, they will mark the request as denied. If an investigation occurs but the AG or PA chooses to not file charges, the request status will be marked as dismissed. If charges are filed, the AG or PA will maintain the status of the criminal non-support case.

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<sup>4</sup> Ref: [MiCSES Screen Description: DEMO – Member Demographics](#) for more information.

AG or PA staff will enter the following information and any other relevant information about the criminal matter as free-form text comments:<sup>5</sup>

- The docket associated with the criminal matter;
- The criminal case number; and
- The county/court in which the criminal action was filed.

If additional criminal investigations or cases are brought concurrently for a support payer having multiple support cases/dockets, AG or PA staff will also note those dockets, criminal case numbers, and relevant information in the comments.

AG or PA staff will enter the information under the Member ID of the case member against whom the criminal non-support action is being considered or taken (i.e., the non-custodial parent/payer). AG or PA staff will enter the information in this manner because:

- The DEMO screen is member-based;
- Criminal charges are filed for a single child support docket (court case). Criminal charges are not combined in a single criminal case for multiple support cases/dockets; and
- The information may be relevant to other cases where the payer in the support case is a payer in another support case(s) or is a recipient of support in another support case(s).

### **C. *Member Details Pop-Up and Contempt Ability to Pay Screening (CAPS) Screen***

A view-only indicator will appear in the *Member Details* pop-up on several MiCSES screens, including the *Case Member Details (CASE)* and *Enforcement Processor (ENFP)* screens. This indicator will show whether criminal non-support information exists on the DEMO screen. This will ensure IV-D staff working on those screens are aware when criminal non-support activity is occurring or has occurred for the support payer's child support case.

The CAPS screen will reflect all the criminal non-support information entered on the DEMO screen. This information will be view-only and non-editable on the CAPS screen.

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<sup>5</sup> Ref: [Michigan Court Rules \(MCR\) Chapter 6, "Criminal Procedure"](#) and the [Michigan Judicial Institute's Handbook of Legal Terms](#); MCL 761.1 et seq.; and MCL 750.5 et seq. for definitions and terminology used in criminal cases. For more information about sentencing, refer to the State Court Administrative Office's (SCAO's) [Comparison Between Deferred Judgments, Delayed Sentences, and Traditional Sentences](#).

## **D. Disclosing Criminal Non-Support Information**

The criminal non-support information recorded in MiCSES is intended for internal IV-D staff awareness only. Disclosing this information could potentially compromise the criminal action as well as endanger the parties and law enforcement officers. As a best practice, IV-D staff should direct a party asking about criminal non-support activity to contact the AG or PA office. Also, IV-D staff may direct a support payer to contact the court for inquiries about addressing felony warrants or determining who their court-appointed attorney is if one has been appointed.

### **NECESSARY ACTION:**

Retain this IV-D Memorandum until further notice. For those maintaining a hard copy of the *Michigan IV-D Child Support Manual*, print the updated table of contents and add it to the manual.

### **REVIEW PARTICIPANTS:**

Enforcement Work Improvement Team  
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### **CONTACT PERSON:**

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**CC:** OCS staff

### **SUPPORTING REFERENCES:**

Federal  
45 CFR 303.2(c)  
45 CFR 307.10(b)(4)(i)  
45 CFR 307.11(b)(1)

State  
MCL 750.161 et seq.  
MCL 750.5 et seq.  
MCL 761.1 et seq.

### **ATTACHMENT:**

*Michigan IV-D Child Support Manual* Introduction and Table of Contents

**EPF/CT**